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Proposal 768 RELATING TO NON-RENEWABLE RESOURCES

Statement for
Con Con Committee on Environment, Agriculture,
Conservation and Land
Public Hearing 11 August 1978

by
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Proposal 768 would add to Article X of the Consitution a new section requiring the maintenance of non-renewable resources. This statement does not represent an institutional position of the University of Hawaii.

The new section proposed in Proposal 768 would prohibit the development of all non-renewable resources in the State except as exceptions the Legislature might permit on the basis of non-financial undue hardship. The implications of the exception are difficult to determine, hence the implications of the development ban without the exception are worth examining.

Three facts should first be recognized: First, the only benefits derivable from a non-renewable resource save the intangible benefit of aesthetic enjoyment and the still more intangible benefit of simply knowing it exists, can be derived only by development that will deplete the resource. Second, any development of a non-renewable resource involves some expense, hence no such development is undertaken unless it is considered to provide some benefit. Third, most natural resources, even those primarily renewable, have non-renewable aspects. For example, ground water development cannot be accomplished without reductions in head and hence in storage whose reversal cannot be achieved without cessation of the draft, even though, if the draft is maintained at less than the sustainable yield, the head and storage will come to a new and satisfactory equilibrium.

Unless the legislature considered as creating undue hardship the normal effects of failures to use any non-renewable resources and most renewable resources, the uses would thus be prohibited by the proposal. Geothermal development possibilities would effectively be foreclosed, so would the possibilities of using submarine sand resources even where these do not contribute naturally to beach maintenance. Mining of bauxite and titanium resources in the State would not be permitted even if their development became economic. The rate of rock quarrying could not be increased.

The proposal would also require that the State and its subdivisions reduce the rate of consumption of non-renewable resources, apparently whether these would be resources within or external to the State, but means for accomplishing such reduction are not suggested.

The proposal would also require that the State and its subdivisions promote the use and wise management of renewable resources. Since the legislature is now required under Section 1 of Article 10, to promote conservation, development, and utilization of all resources, this provision seems unnecessary.

The major intent of the proposal seems to be to adopt and implement a conservation policy with respect to the non-renewable resources in its domain. To this end, it would be appropriate and useful to amend the present Section 1 to provide a better balance between the preservation aspect of conservation and the aspect of development and use. Section 1 now relates to all natural resources. Discrimination between non-renewable and renewable resources might conceivably be useful, but because of the combination of non-renewable and renewable aspects of many resources, language providing such discrimination would have to be worked out with great care. There appears to be no special need for such discrimination in the Constitution.